

Truro Board of Health Minutes  
July 16, 2019  
4:30 PM-Truro Town Hall

**Members Present:** Chair Tracey Rose, Member Mark Peters, Vice-Chair Jason Silva, Clerk Peter Van Stratum, Member Tim Rose, alternate member Meredith Goff  
**Others Present:** Health Agent Emily Beebe

Chair Tracey Rose called the meeting to order at 4:30PM. Ms. Rose requested that everyone speak clearly for the video recorder. She asked if anyone in the audience was recording. No one replied in the affirmative.

**I. PUBLIC COMMENTS**

There were no public comments.

**II. PUBLIC HEARING**

**15 Cabral Farm Rd, Castle Hill: Title 5 Variance Request to 310 CMR 15.211 & 15.240 and TBoH Regulations, Section VI Articles 2 & 8**

David Lajoie of FELCO, Inc., and Karen Tosh and Cherie Mittenthal as representatives of the Truro Center for the Arts at Castle Hill, came to the table to discuss the proposed project. Mr. Lajoie provided the Board with copies of three estimates for the installation of the septic system. Ms. Tosh stated that she watched the July 2<sup>nd</sup> Board of Health meeting and upon hearing the comments of Mr. DeMasi, immediately called him to discuss the matter; Ms. Tosh was unable to reach Mr. DeMasi. Ms. Tosh expressed her desire to be good neighbors and that Mr. DeMasi is welcome to attend the pre-construction meeting. Ms. Mittenthal discussed the process of acquiring the property and making it habitable, which contributed to the delays in starting the septic work. The Agent reviewed the variances with the Board; there is a change in the design because the system has been re-designed to accept the gravity flow into the tank as opposed to being pumped up into the tank. The Agent spoke with an installer to confirm that the septic installation plan was feasible. The proximity to the groundwater was discussed in relation to the use of toxic materials and chemicals; the Agent discussed potential protocol with Ms. Tosh and Ms. Mittenthal; Ms. Mittenthal provided the Agent with their waste materials procedures. The Agent suggested a condition of the variance approval to include the requirement drain control. Mr. Rose asked about the removal of hazardous materials and if there is some way of policing that. Ms. Mittenthal responded that the students are informed at the beginning of every class about the proper disposal methods. Mr. Rose asked if there is a day-to-day way to police the artists. Ms. Tosh noted that no classes will be conducted on the premises, the property will be used for one or two artists-in-residence. Ms. Mittenthal suggested that the materials could be disposed of at Castle Hill. Mr. Rose stressed the importance of protecting the environment and the neighbors. Ms. Rose asked for confirmation that no classes will be held on the premises; Ms. Mittenthal confirmed. Mr. Lajoie and the Agent confirmed that the re-vegetation will be discussed with the Conservation Commission. Mr. John DeMasi, III of 10 Cabral Farm Road addressed the Board. Mr. DeMasi had a surveyor at

the property to look at the grade of the road. Mr. DeMasi expressed his concerns about the proposed variance impacting his ability to install a well on his property; he also asserted that he has not done anything to narrow the road but said that he installed posts on the road to minimize damage. Ms. Rose stated for the record that the Board did receive the three septic installation proposals from GFM Enterprises, Robert B. Our Company and Ken Rose Septic. **Motion by Mr. Silva to approve the variances as presented, as shown on the revised plan dated March 15, 2019; seconded by Ms. Rose; Vote: 3-2-0, motion carries.**

**9 Highland Avenue, Clinton Kershaw: Request for variance to Title 5 (310 CMR 15.211)**  
**(Continued from June 4, 2019)**

The attorney for the applicant submitted a written request for a continuance to August 6, 2019. **Motion by Mr. Silva to continue the matter to August 6, 2019; seconded by Mr. Rose;**

**Discussion occurred on the motion:** Mr. Van Stratum asked about the number of continuances already granted. Ms. Rose reminded the Board that they asked the applicant to pursue proper permitting before returning to the Board. Mr. Rose asked if the septic has failed; the Agent confirmed it has not failed. The Agent has been in touch with the applicant's attorney and said that the Planning Department has had a change in staff which may have added to the delays. Ms. Rose said that the applicant's attorney has been in regular communication with the Agent and that warrants good faith. Mr. Silva asked if the applicant could provide a timeframe as to the completion of the process. The Agent noted that the attorney requested an earlier hearing date than what was originally requested, and that the applicant is wrapping up the Planning Board process. Ms. Rose said that the Board wanted the applicant to obtain the ADU permit prior to hearing the matter further. Discussion occurred regarding the number of bedrooms at the property and the use thereof. There was further discussion regarding the number of continuances requested by the applicant and if any further continuances should be allowed. No vote was called for the motion. An additional motion was made:

**Motion by Mr. Rose to continue the matter for the third and final time to August 6, 2019; seconded by Mr. Silva; Vote: 4-1-0, motion carries.**

**157 Slough Pond Rd, Ryder & Wilcox: Local approval of an I/A system for a 660 GPD design**  
Stephanie Sequin of Ryder and Wilcox came to the table, representing the applicant. The property has two existing buildings, both of which are served by a cesspool. Ms. Sequin provided the Board with updated plans. Both existing structures will be removed and replaced with new buildings. The new buildings will have a total of six bedrooms - five bedrooms in the main house and one bedroom in the second building. The septic flow will exceed 600 gallons per day which triggers use of IA technology. Ms. Sequin discussed the possibility of the plan being revised to provide a different type of IA system than what is currently shown on the plan. Ms. Rose asked that this type of revision be shown on revised plans and submitted to the Agent; Ms. Sequin confirmed she would provide an updated plan. **Motion by Mr. Rose to approve the plan and variance; seconded by Mr. Van Stratum; Vote: 5-0-0, motion carries.**

**157 Slough Pond Rd, Ryder & Wilcox** (continued discussion:) The Agent asked the Board to review the floor plans, specifically the proposed library to note for the record that the subject area is not a bedroom. The room has a 6' cased opening and does not meet the definition of the bedroom. The Board acknowledged the floor plan as presented.

### **III. AGENDA ITEMS**

#### **Truro Motor Inn; 296 Route 6 – Update on schedule for septic upgrade and correction of violations**

The Agent has been in touch with Carolyn DelGizzi, representative of the Truro Motor Inn and Jason Ellis of J.C. Ellis Design. A meeting has been scheduled involving Mrs. DelGizzi, the Fire Chief and the Health Agent. The Agent has spoken with Mr. Ellis and he has conducted research for the septic upgrade; Mr. Silva noted that he observed Mr. Ellis on-site. The Agent told the Board that the additional manager, who was unable to attend the previous meeting, will be present at the next meeting.

#### **Request for extension to install Title 5: 2 Amanda Lane**

Ken Horgan, the new owner of the property, came to the table to address the Board. Mr. Horgan requested an extension to August 15, 2019 to complete the installation and advised the Board as to the progress of the installation; all parts have been ordered and the work is commencing. Mr. Rose confirmed that he observed work being done. Mr. Horgan informed the Board that there is still one tenant at the property. Ms. Rose asked if the septic system is failed. The Agent confirmed that the system is failed by virtue of the leaching pits being half-filled with sand and other technical aspects that failed the system, but not a hydraulic failure. There was discussion about the typical condition about "No occupancy until upgrade" when the Board grants a waiver for the timing of the installation. The Agent reviewed the statement of Mr. Peters at a prior meeting regarding the occupancy of the property, which did not become a part of the motion to allow the waiver, and was therefore not communicated directly to the new owner; Mr. Rose concurred that the motion did not include a condition about occupancy because the system was not in hydraulic failure. The Agent stated that the septic system is non-conforming and didn't pass inspection; the permit to install the septic system was issued earlier in the day of July 16<sup>th</sup>.

**Motion by Mr. Silva to approve the extension request to August 15, 2019; seconded by Mr. Rose; Vote: 5-0-0, motion carries.**

#### **Water Resource Protection Regulations: proposed amendments (continued discussion from May 21, 2019)**

**Motion by Mr. Peters to move the discussion to the next meeting; seconded by Mr. Silva; Vote: 5-0-0, motion carries.**

**Motion by Mr. Silva to move-up the DPW Director's report; seconded by Mr. Rose; Vote: 5-0-0, motion carries.**

## **V. REPORTS**

### **DPW Director's Report** (See attached report.)

*[Mr. Jason Silva left the meeting at 6:04pm]*

The Board discussed an amendment to their regulations to remove the requirement for a notarized statement from homeowner that allows family members to obtain a transfer station permit. It was suggested that the sticker application process include a form used by the Beach Department that allows a homeowner to designate permits; the DPW will be added to the form going forward. Mr. Cabral clarified that when someone wants to purchase a permit, and they are not the homeowner, the clerk requires a notarized statement that provides permission from the homeowner. The proposed change would remove the requirement for the statement to be notarized. The regulations will be amended as such.

**Motion by Mr. Rose to remove the notarization requirement from Article 2, Section 6.2; seconded by Mr. Van Stratum; Vote: 5-0-0, motion carries.**

## **IV. LICENSE RENEWALS**

1. **Horton's Campground** – 67 South Highland Rd
2. **North Truro Camping Area** – 46 Highland Rd

As directed by the Board at the previous meeting, the Agent drafted a letter to the North Truro Camping Area, which has been sent to Town Counsel for review. The Agent requested to table the matter until the August 6<sup>th</sup> meeting.

**Motion by Mr. Peters to continue the matter to August 6, 2019; seconded by Mr. Peters; Vote: 5-0-0, motion carries.**

## **V. REPORTS**

### **Health Agent's Report**

- The Agent apprised the Board about the lack of a license to operate for the Salt Air Condominium at 82 Shore Road. The Agent has communicated with the owners that they need to resolve the outstanding taxes and the Agent will update the Board at the August 6<sup>th</sup> meeting.
- The Agent provided the Board with a letter from DPH regarding the closure of Round Pond. The pond is located within the National Park; the National Park Service closed the pond immediately. Discussion occurred regarding the timing and procedures for closing ponds. The Agent noted that signs are immediately posted regarding closures, but the public often chooses to ignore them.
- The Agent asked the Board about re-licensing White Caps Cottages; only the duplex building is being utilized as the other cottages are being renovated. The Board agreed to have the Agent re-issue the license.

**Report of the Chair**

Ms. Rose did not have a report.

**VI. MINUTES**

June 18, 2019

**Motion by Mr. Peters to approve the June 18, 2019 minutes as presented; seconded by Mr. Rose; Vote: 5-0-0, motion carries.**

July 2, 2019, Executive Session minutes

**Motion by Mr. Peters to approve the July 2, 2019 Executive Session minutes as presented; seconded by Mr. Rose; Vote: 5-0-0, motion carries.**

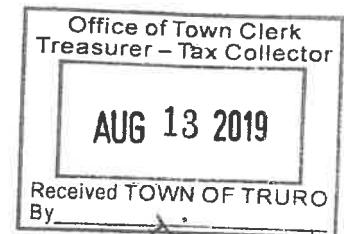
July 2, 2019

**Motion by Mr. Rose to approve the July 2, 2019 minutes as presented; seconded by Mr. Peters; Vote: 5-0-0, motion carries.**

**Motion by Mr. Van Stratum to adjourn the meeting; seconded by Mr. Peters; Vote: 4-0-0, motion carries. The meeting was adjourned at 6:30pm.**

Respectfully Submitted,

Michelle Fogarty




  
Chair-Tracey Rose

\_\_\_\_\_  
Meredith Goff, Member

  
Mark Peters, Member

\_\_\_\_\_  
Vice-Chair, Jason Silva

  
Peter Van Stratum, Clerk

  
Tim Rose, Member



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505

## Memorandum

**To:** Emily Beebe, Health & Conservation Agent  
Members of the Truro Board of Health  
**From:** Jarrod J. Cabral, Department of Public Works Director  
**Date:** July 16, 2019  
**Subject:** Annual Review Part 1

**Solid Waste Tonnage**  
FY '17-1,907.85  
FY '18-1,756.32 – Decrease 151.53  
FY '19-1,678.41 – Decrease 77.91  
Total Three-year decrease - 229.44

**Single Stream Recycling tonnage**  
FY '17-277.99  
FY '18-423.34 – Increase 145.35  
FY '19-410.48 – Decrease 12.86  
Total three year increase 132.49

Over the road recycling trips prior to Single Stream - FY '16 – 56 Trips  
Over the road Single Stream trips - FY '19 – 29 Trips

Estimated Expenses FY '18 - \$194,193 - Estimated Revenue FY '18 - \$281,565 – Difference \$87,372

Estimated Expenses FY '19 - \$224,222 - Estimated Revenue FY '19 - \$322,012 – Difference \$97,790

Sincerely,  
Jarrod J. Cabral  
Director  
Department of Public Works  
Truro MA 02666



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

## Memorandum

**To:** Emily Beebe, Health & Conservation Agent  
Members of the Truro Board of Health  
**From:** Jarrod J. Cabral, Department of Public Works Director  
**Date:** July 16, 2019  
**Subject:** Annual Review Part 2

Over the past few months I have had discussions with our vendors and neighboring Municipalities regarding the solid waste and recycling markets. I have also reached out to DEP to get a sense of where the State of Massachusetts is at as far as long-term/short-term vision.

**Solid Waste:** I have learned that over the last three years Massachusetts has closed several landfills resulting in an end site disposal problem. This means that approximately 1.5 million tons of solid waste needed to find a new home, and we are now feeling the effects of that within the market place. Seamass, New Bedford Waste, EL Harvey, and others are all currently adjusting to a new norm. In some cases, they will transport to out of state landfills, limit the amount of solid waste accepted to their facility, or partner with remaining landfills within the state so they can keep up with the tonnage arriving at their facilities. With our solid waste contract expiring this year we will be facing a significant increase in cost per ton partly due to the lack of capacity within the State, and DEP compliance costs our vendors absorb on their end.

**Recycling:** Our vendor EL Harvey has increased the single stream tonnage cost from \$90.00 per ton to \$95.00 per ton. The cost will remain at \$95.00 for this fiscal year unless there is a significant change in the market place. EL Harvey is currently exporting to India, and Indonesia, but is also exploring working with businesses located between Main and Virginia to establish infrastructure to process recyclables domestically.

**Transfer Station Regulation Enforcement:** Over the past two weeks due to an increase in permitting violations we began sending out warnings to folks who have not purchased a permit. We have only sent out warnings to those who have been verbally warned at the Transfer Station first then they receive the written warning. Our average is one warning per day to be mailed out, and most of the warnings are related to folks who would like to gain access to the Swap Shop.

**Concerns/Complaints:** Most of the feedback from the public have to do with the permitting process.

Dislikes: Notarized Note requirement  
Proof of Commercial Hauler  
\$10.00 fee for Swap Shop/Recycling  
Providing registration every year

**Staff Comments:** Swap Shop has been kept clean but has been a distraction due to the number of violations, congested parking, and sometimes cars entering through the do not enter area into oncoming traffic. It is important to note that no accidents have occurred yet.



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

## Memorandum

---

**To:** Emily Beebe, Health & Conservation Agent  
Members of the Truro Board of Health  
**From:** Jarrod J. Cabral, Department of Public Works Director  
**Date:** July 16, 2019  
**Subject:** Annual Review Part 3

---

### Regulatory Recommendations:

#### Section IV – Solid Waste

Article 7 Swap Shop: - Truro residents and tax payers only – Page 14

#### Section V – Transfer Station Rules and Regulations

##### Article 2 - Transfer Station Permits:

Paragraph 4 Recycling/Swap Shop Permit: Delete recycle Insert and tax payers - Page 18

Paragraph 5 Limitations #8: ~~Proof of trash hauling service or equivalent~~ – Page 19

Paragraph 6 Required Documentation #2: Delete notarized insert (designation form will be provided) Page 19

##### Article 7 Fee schedule:

###### Paragraph 1

item A - Delete Recycle page 22

###### Paragraph 4

Add Composters \$15.00 per item/ Recycling Containers \$6.00 per item. Page 22

Sincerely,

Jarrod J. Cabral

Director

Department of Public Works

Truro MA 02666